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UNITED STATES SURGICAL
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OFFICE OF PETITIONS

In re Application of :
Scott E. Manzo, et al. :
Application No. 08/816,615 : DECISION ON PETITION
Filed: March 13, 1997 :
Attorney Docket No. 1876(203-183) :
:

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), received April 14, 2008 with a certificate of mailing dated August 28, 2002, to revive the above-identified application.

The petition is **DISMISSED**.

This is also a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 2008, which is being treated as a petition under 37 CFR 1.181(b), to withdraw the holding of the abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond to the Notice of Allowance mailed November 9, 1998. Petitioner indicated that a response was timely filed on February 9, 1999. In support the petitioner provides a copy of the Formal Drawings and a certificate of mailing with a date of deposit of February 9, 1999.

A review of the record shows that the petitioner timely filed a reply to the Notice of Allowability and a certificate of mailing of February 9, 1999 that was inadvertently forwarded to Application Serial No. 08/816,165 instead of 08/816,615. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated February 9, 1999, which would have rendered the reply timely if received in the proper application.

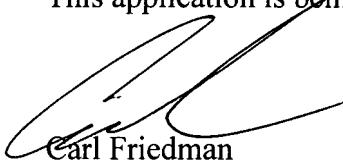
In view of the above the holding of abandonment is hereby withdrawn and the application is restored to pending status. Since the \$1540 petition fee submitted with the petition on April 14, 2008 was deemed unnecessary, the petition fee will be credited to petitioner's deposit account.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed on February 9, 1999.

Telephone inquiries regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to the Office of Data Management for processing into a patent.



Carl Friedman
Petitions Examiner
Office of Petitions

cc: CHRISTOPHER G. TRAINOR
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